

**DEPARTMENT OF HEALTH SERVICES
DIVISION OF LICENSING SERVICES
OFFICE OF CHILD CARE LICENSING
#SP-030-DLS-CCL**

Clarification on Whether a Child Care Group Home May Require a Release of Liability as a Condition of Enrollment or for Participation in an Activity, Including a Field Trip

This substantive policy statement is advisory only. A substantive policy statement does not include internal procedural documents that only affect the internal procedures of the agency and does not impose additional requirements or penalties on regulated parties or include confidential information or rules made in accordance with the Arizona Administrative Procedure Act. If you believe that this substantive policy statement does impose additional requirements or penalties on regulated parties you may petition the agency under Arizona Revised Statutes Section 41-1033 for a review of the statement.

The purpose of this substantive policy statement is to clarify whether a child care group home may require a parent to sign a release of liability as a condition of initial or continued enrollment, or for participation in an activity such as a field trip.

A.R.S. § 36-897.02(A) requires the Arizona Department of Health Services (ADHS) to establish by rule standards of care for child care group homes that includes financial stability standards. Under this authority, ADHS requires a child care group home to carry certain insurance coverage.

R9-3-309(A) states:

- A. A certificate holder shall secure and maintain the following insurance coverage, issued to the certificate holder, for a child care group home:
 - 1. General liability insurance or a combination of general liability insurance and excess liability insurance with a maximum liability limit of at least \$100,000; and
 - 2. For each motor vehicle owned by the certificate holder and used by a staff member to transport enrolled children, motor vehicle insurance that has the coverage limits required by A.R.S. Title 28, Chapter 9.

Because requiring a parent to sign a release of liability is an attempt to nullify the protection afforded to enrolled children under the insurance coverage required by R9-3-309(A), ADHS interprets the practice of requiring releases of liability as a means to circumvent those insurance requirements. ADHS interprets the requirements in R9-3-309(A) as prohibiting a child care facility from requiring a parent to sign a release of liability as a condition of enrollment or for participation in an activity, including a field trip.

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